

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	
	)	
ANDREW T. MORRIS	)	
KATHERINE A. MORRIS	)	Case No. 20-41149-659
	)	
Debtors.	)	Chapter 7
_____	)	
	)	
ANDREW T. MORRIS,	)	
	)	
Plaintiff,	)	
	)	Adversary No. 20-04024-659
vs.	)	
	)	
UNITED STATES OF AMERICA, on behalf of the	)	
UNITED STATES DEPARTMENT OF	)	
EDUCATION	)	
	)	
Defendant.	)	
_____	)	

**ANSWER OF THE UNITED STATES OF AMERICA, ON BEHALF OF THE  
UNITED STATES DEPARTMENT OF EDUCATION, TO PLAINTIFF’S  
COMPLAINT**

COMES NOW the United States of America, on behalf of its agency, the United States Department of Education, (hereinafter, the “Department of Education”), by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Joshua M. Jones, Assistant United States Attorney for said District, and for its Answer to Plaintiff’s Complaint (Doc. 3), states as follows:

1. The Department of Education admits the allegations contained in Paragraph 1 of Plaintiff’s Complaint.
2. The Department of Education admits that on March 2, 2020, Plaintiff filed a voluntary petition under Chapter 7 of the Bankruptcy Code with his spouse.

3. The Department of Education admits Plaintiff listed an unsecured student loan debt owing to Federal Loan Servicing in his Schedule F.

4. The Department of Education denies the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. The Department of Education denies the allegations contained in Paragraph 5 of Plaintiff's Complaint. By way of further answer, the Department of Education states that it holds the note on Direct Stafford Loans owing by Plaintiff, and that as of May 20, 2020, the balance due on the loans (including interest and principal) is \$220,812.18.

6. The Department of Education is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 6 of Plaintiff's Complaint, and therefore denies the same until proven.

7. The Department of Education is without sufficient knowledge to either admit or deny the allegations contained in Paragraph 7 of Plaintiff's Complaint, and therefore denies the same until proven.

8. The Department of Education denies the allegations contained in Paragraph 8 of Plaintiff's Complaint.

#### **AFFIRMATIVE DEFENSES**

9. Plaintiff's debt does not meet the undue hardship criteria pursuant to 11 U.S.C. § 523(a)(8).

10. Debtor has failed to exhaust all of his administrative remedies.

11. Plaintiff's Complaint fails, in whole or in part, to state a claim upon which relief may be granted. *See* Fed. R. Civ. P. 12(b)(6); Fed. R. Bankr. P. 7012(b).

WHEREFORE, having fully Answered, the Department of Education respectfully requests that the Court dismiss Plaintiff's Complaint with prejudice with costs to Plaintiff; declare the indebtedness which is the subject of Plaintiff's Complaint as a non-dischargeable debt pursuant to 11 U.S.C. § 523(a)(8); and/or award the Department of Education such other relief as the Court deems just and proper.

Respectfully submitted,

JEFFREY B. JENSEN  
United States Attorney

/s/ Joshua M. Jones  
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**Certificate of Service**

I certify that a true and correct copy of the foregoing document was filed electronically on June 4, 2020, with the United States Bankruptcy Court, and has been served on the parties in interest via email by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

/s/ Joshua M. Jones  
Assistant United States Attorney